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Dkt. 0687/74768-BA-PCT-US/JPW/GJG/MJP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham and Robert Norman Rice  
Serial No. : 10/646,070                      Examiner : Whiteman, Brian A.  
Filed : August 22, 2003                      Art Unit : 1635  
For : CONTROL OF GENE EXPRESSION

30 Rockefeller Plaza  
20<sup>TH</sup> Floor  
New York, New York 10112  
May 11, 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

This Supplemental Information Disclosure Statement is being filed concurrently with Applicants' Amendment in Response to the November 4, 2008 Final Office Action and with two additional Supplemental Information Disclosure Statements. In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants direct the Examiner's attention to the following references, which are listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**.

According to 37 C.F.R. § 1.97(c), a Supplemental Information Disclosure Statement filed after the period specified in 37 C.F.R. § 1.97(b) shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p) or a statement under 37 C.F.R. § 1.97(e). The required fee set forth in 37 C.F.R. § 1.17(p) is one hundred and eighty dollars (\$180.00) and a check for this

<p>The PTO did not receive the following listed item(s) <u>Check \$180.00</u></p> <p><u>SLV</u></p>
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amount was enclosed with one of three Supplemental Information  
Disclosure Statements filed concurrently herewith.

Copies of items 1 and 2 are attached hereto as **Exhibits B and C**,  
respectively. The Examiner is respectfully requested to make  
these references of record in the above-identified application by  
initialing and returning a copy of the enclosed Form PTO-1449  
(Substitute).

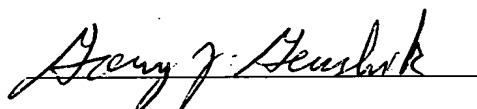
1. Third party observations under article 115 EPC against  
European Patent Application EP 98964202.0 in the name  
of Carnegie Institution of Washington; and
2. de Feyter R et al. (1996) "A ribozyme gene and an  
antisense gene are equally effective in conferring  
resistance to tobacco mosaic virus on transgenic  
tobacco" Mol Gen Genet. 250: 329-338.

If a telephone interview would be of assistance in advancing  
prosecution of the subject application, Applicants'  
undersigned attorney invites the Examiner to telephone him at  
the number provided below.

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No fee is deemed necessary in connection with the filing of this  
Supplemental Information Disclosure Statement. However, if any  
fee is required authorization is hereby given to charge the  
amount of any such fee to Deposit Account No. 03-3125.


Respectfully submitted,



John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
Cooper & Dunham LLP  
30 Rockefeller Plaza  
20<sup>th</sup> Floor  
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I hereby certify that this  
correspondence is being deposited  
this date with the U.S. Postal  
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P.O. Box 1450  
Alexandria, VA 22313-1450

  
Gary J. Gershik Date  
Reg. No. 39,992



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Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is being submitted to bring to the Examiner's attention the listed submission in a related application. This Supplemental Information Disclosure Statement is being filed concurrently with Applicants' Amendment in Response to the November 4, 2008 Final Office Action and with two additional Supplemental Information Disclosure Statements. In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants direct the Examiner's attention to the following reference, which is listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**.

According to 37 C.F.R. § 1.97(c), a Supplemental Information Disclosure Statement filed after the period specified in 37 C.F.R. § 1.97(b) shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p) or a statement under 37 C.F.R. § 1.97(e). The required fee set forth in 37 C.F.R. § 1.17(p) is

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one hundred and eighty dollars (\$180.00) and a check for this amount was enclosed with one of three Supplemental Information Disclosure Statements filed concurrently herewith.

A copy of item 1 has not been included in accordance with 37 C.F.R. § 1.98(a)(2)(ii). Applicants respectfully direct the Examiner to the Image File Wrapper of the appropriate related application for a copy of the reference. The Examiner is respectfully requested to make this reference of record in the above-identified application by initialing and returning a copy of the enclosed Form PTO-1449 (Substitute).

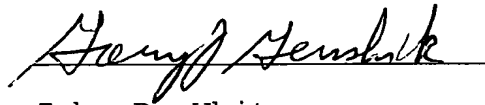
1. Suggestion of Interference Pursuant to 37 C.F.R. § 41.202, submitted April 15, 2009, in connection with U.S. Serial No. 11/364,183, filed March 1, 2006, including attachments thereto.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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Supplemental Information Disclosure Statement. However, if any  
fee is required authorization is hereby given to charge the  
amount of any such fee to Deposit Account No. 03-3125.


Respectfully submitted,



John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
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30 Rockefeller Plaza  
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\_\_\_\_\_  
Gary J. Gershik Date  
Reg. No. 39,992